

SIXTH DAY.

(Monday, January 15, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Howeth.
Adams.	Jacks.
Arnold.	Jennings.
Atkinson.	Kemble.
Avis.	Lackey.
Baker of Milam.	Laird.
Baker of Orange.	Lamb.
Baldwin.	Lane.
Barker.	LeMaster.
Barrett.	Lewis.
Beasley.	Loftin.
Bell.	Looney.
Bird.	Lusk.
Blount.	McBride.
Bryant.	McDaniel.
Cable.	McDonald.
Carpenter	McNatt.
of Dallas.	Martin.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carson.	Melson.
Carter of Coke.	Merritt.
Carter of Hays.	Miller.
Chitwood.	Montgomery.
Coffee.	Moore.
Covey.	Morgan
Cowen.	of Robertson.
Crawford.	Pate.
Culp.	Patman.
Davenport.	Patterson.
Davis.	Perdue.
DeBerry.	Pinkston.
Dielmann.	Pope.
Dinkle.	Potter.
Dodd.	Price.
Downs.	Purl.
Driggers.	Quaid.
Duffey.	Rice.
Dunlap.	Robinson.
Dunn.	Rogers.
Durham.	Rowland.
Edwards.	Russell
Fields.	of Callahan.
Finlay.	Russell of Trinity.
Frnka.	Sackett.
Fugler.	Sanford.
Gipson.	Satterwhite.
Green.	Shearer.
Greer.	Shires.
Hardin of Erath.	Simpson.
Harrington.	Smith.
Harris.	Sparkman.
Henderson	Stell.
of Marion.	Stevens.
Henderson	Stewart
of McLennan.	of Edwards.
Houston.	Stewart of Jasper.

Stewart of Reeves.	Vaughan.
Stiernberg.	Wallace.
Storey.	Wells.
Stroder.	Westbrook.
Sweet.	Wessels.
Teer.	Williamson.
Thompson.	Wilson.
Thrasher.	Winfree.
Turner.	Young.

Absent.

Bonham.	Irwin.
Hardin	Johnson.
of Kaufman.	Rountree.
Hendricks.	

Absent—Excused.

Amsler.	McFarlane.
Bobbitt.	McKean.
Brady.	Merriman.
Burmeister.	Morgan
Collins.	of Liberty.
Faubion.	Pool.
Hughes.	Quinn.
Hull.	Strickland.
Jones.	Wilmans.
LeSturgeon.	

A quorum was announced present.

Prayer was then offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Hughes for today, on motion of Mr. Henderson of McLennan.

Mr. McFarlane for today, on motion of Mr. Loftin.

Mrs. Wilmans indefinitely, on motion of Mr. Carpenter of Dallas.

Mr. Green indefinitely, on motion of Mr. Carter of Coke.

The following members were granted leaves of absence on account of important business:

Mr. Collins for today, on motion of Mr. Purl.

Mr. Jones for today and tomorrow, on motion of Mr. Quaid.

Mr. Hull and Mr. Burmeister for today, on motion of Mr. Williamson.

Mr. Dielmann for today, on motion of Mr. Young.

Mr. Pope for last Saturday, on motion of Mr. Shearer.

Mr. Pool for today, on motion of Mr. Gipson.

Mr. Strickland for today, on motion of Mr. Lamb.

Mr. Faubion for last Saturday and today, on motion of Mr. Teer.

Mr. Amaler for today, on motion of Mr. Merriman.

Mr. Morgan of Liberty for today, on motion of Mr. Quinn.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Lackey:

H. B. No. 111, A bill to be entitled "An Act to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; the appointment of deputy Game, Fish and Oyster Commissioners, prescribing their duties and compensations; making provisions for the creation of a special game fund and appropriating the same for the purpose of carrying out the provisions of this act; repealing certain laws and all laws, general and special, in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Quinn:

H. B. No. 112, A bill to be entitled "An Act to amend Article 5988 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the Acts of the Thirty-fifth Legislature, Regular Session, approved February 23, 1917, so as to authorize the navigation and canal commissioners of navigation districts to fix the amount of the treasurer's bond in such sum as they deem proper."

Referred to Committee on Conservation and Reclamation.

By Mr. Moore and Mr. Dinkle:

H. B. No. 113, A bill to be entitled "An Act to amend Article 2052, Chapter 18, and Article 2098, Chapter 20, of Title 37, Civil Statutes of Texas, prescribing the contents of an affidavit in lieu of security or cash deposits for costs in the trial court and appeals, excluding parties to divorce suits from the benefits of said provisions."

Referred to Judiciary Committee.

By Mr. Dinkle:

H. B. No. 114, A bill to be entitled "An Act to amend Article 3855, of Title

58, Civil Statutes of Texas, relating to fees allowed clerks of the district courts for services performed in civil cases, including a per diem for waiting upon the court while in session, to be paid by the county."

Referred to Judiciary Committee.

By Mr. Dinkle:

H. B. No. 115, A bill to be entitled "An Act allowing clerks of the district courts, by way of fees of office, commissions on all cash, notes or other securities deposited for safe-keeping with them in any proceeding, either by order of court or agreement of parties, and providing for the division of said commissions among the several incumbents of said office who may receive, have custody of, or disburse the funds, notes or securities."

Referred to Judiciary Committee.

By Mr. Abney:

H. B. No. 116, A bill to be entitled "An Act to amend Chapter 1, Title 119, of the Revised Civil Statutes of Texas, as amended by Chapter 29 of the Acts of the Fourth Called Session of the Thirty-fifth Legislature, and by Chapter 98 of the General Laws of the Regular Session of the Thirty-sixth Legislature, fixing the compensation of county commissioners, by adding thereto Article 6901dd, fixing the compensation of county commissioners in all counties subject to the provisions of Chapter 42 of the General Laws of the First Called Session of the Thirty-seventh Legislature, and having a population of less than 50,000, and having a county auditor, and providing that this act shall not go into effect until the first day of January, 1925."

Referred to Committee on Counties.

By Mr. Merriman, Mr. Quinn and Mr. Baker of Orange:

H. B. No. 117, A bill to be entitled "An Act to reorganize the courts of Jefferson county; to abolish the Sixtieth Judicial District and to establish and create in its place and stead a criminal district court for Jefferson county; to provide for the jurisdiction of and procedure in said court; to fix the time for holding the terms of said court; to provide for the appointment, election, qualification, duties, powers and compensation of a judge of said court; depriving and divesting the district courts of Jefferson county of jurisdiction of all criminal cases; providing from and after the

taking effect of this act for the transfer of all criminal cases from the district courts of Jefferson county to the criminal district court of Jefferson county created by this act; providing for the transfer of all civil cases from the Sixtieth Judicial District to the district court of the Fifty-eighth Judicial District; providing that the Fifty-eighth District Court may empanel grand juries; and fixing the time for holding said court; providing that the county attorney, the sheriff and the clerk of the district court of Jefferson county shall be the county attorney, sheriff and clerk of the district court, respectively, and of the court created by this act, under the same rules and regulations as are now or may hereafter be prescribed by law for the government of such officials; providing for the fees to be received by such officers for such services, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Rountree:

H. B. No. 118, A bill to be entitled "An Act amending Chapter 4, Title 12, of the Penal Code of the State of Texas, so as to properly define 'concentrated feeding stuff,' 'concentrated feed stuff,' and 'concentrated commercial feeding stuff'; amending Article 735 of said chapter, making it refer to Article 732 instead of Article 731, and reducing the penalty; making said chapter apply to firms, corporations, associations of persons, manufacturers, importers, agents, sellers and common law trust companies or associations, as well as persons; amending Article 740; omitting the jail penalty; providing a penalty for violations of said chapter where a penalty is not otherwise provided, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Hendricks and Mr. Moore:

H. B. No. 119, A bill to be entitled "An Act to create a 'Commission on Constitutional Information,' prescribing the duties and providing for the organization thereof, providing for appointment of members by the Governor and for payment of salary and expenses of members, making an appropriation, and declaring an emergency."

Referred to Committee on Constitutional Amendments.

By Mr. Collins, Mr. McFarlane, Mr. Purl, Mr. Sparkman and Mr. Irwin:

H. B. No. 120, A bill to be entitled "An Act to amend Title 14, Chapter 6, Revised Statutes of 1911, relating to banks and banking, by adding thereto Article 574a, providing a penalty for the giving of worthless checks, drafts or orders, repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Green:

H. B. No. 121, A bill to be entitled "An Act providing for taking the scholastic census, the time and manner of taking the same, prescribing the duty of the person taking and reporting the scholastic census, prescribing the duty of the county superintendent relative to the preservation of the scholastic census and reporting the same to the State Superintendent of Public Instruction, providing for taking the census in county-line districts, prescribing the duty and powers of the State Superintendent relative thereto; providing for taking the census in independent districts and cities and towns constituting independent districts; providing for attendance of children of scholastic age in the public schools; providing penalties for the violation of this act; repealing Articles 2774, 2775, 2776, 2776a, 2777, 2778, 2779, of Chapter 13, of the Revised Civil Statutes of Texas, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Fugler:

H. B. No. 122, A bill to be entitled "An Act requiring all secret organizations to make public a list of their membership by filing a printed or typewritten list of same with the county clerk of each and every county in the State of Texas, wherein such secret organization may maintain a local lodge, camp, or club of any character, and providing that said list shall be filed annually on the first day of each year, or within ten days thereafter, and that the same shall be open for the inspection of the general public, and for litigants and their attorneys having business pending before the courts of such county; providing penalties for the violation thereof, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Finlay:

H. B. No. 123, A bill to be entitled "An Act creating the Richland Springs Independent School District in San Saba County, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said board of trustees shall have such authority as is now or may be hereafter conferred by the general laws of the State of Texas upon boards of public school trustees of independent school districts, and declaring an emergency."

Referred to Committee on Local Educational Bills.

By Mr. Carpenter of Matagorda:

H. B. No. 124, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 21, of the Acts of the Regular Session of the Thirty-seventh Legislature, relating to the inspection of hides and animals, by adding to the exempt counties the county of Matagorda, and repealing all laws in conflict herewith."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Jacks, Mr. Purl and Mr. Irwin:

H. B. No. 125, A bill to be entitled "An Act to amend Article 4601, Chapter 1, Title 68, of the Revised Civil Statutes of 1911, relating to the celebration of the rites of matrimony, by adding thereto the words 'and judges of all other courts of record in this State,' and changing said statute so as to read 'and validating marriages heretofore celebrated by judges of courts of record of this State,' and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Cable, Mr. Frnka and Mr. Stell:

H. B. No. 126, A bill to be entitled "An Act to allow commissioners courts of the several counties of this State to appropriate county funds for farm demonstration work and girls' canning club work, when such appropriations have been authorized by a majority vote of the qualified tax-paying electors of such counties; prohibiting the use of State funds for farm demonstration work and

girls' canning club work in any county until the qualified voters have by a majority vote authorized the commissioners court to make appropriations for such work; providing that money appropriated out of the general revenues of the State of Texas for farm demonstration and girls' canning club work shall be used only under certain conditions; providing for ordering the election and publication of the necessary proclamation, for making returns as now provided by law; and providing that such election shall not be held oftener than every two years; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Melson:

H. B. No. 127, A bill to be entitled "An Act providing for the levy and collection of an occupation tax of one cent on each ten cents of the gross receipts from the sale of malt liquors, ale, near-beer, fermented or distilled liquors, carbonated drinks, drinks derived from grain or fruits, pop, ginger-ale, root-beer, sarsaparilla, coca-cola, artificial mineral waters, soft drinks of any kind, ice cream, frozen custards, sherbet, sundaes, or similar frozen or iced drinks or foods; providing penalties for violations of the provisions of the act; making certain exemptions; specifying the county, district and State officers who shall put its provisions into execution; repealing parts of previous laws, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Simpson, Mr. Greer and Mr. McBride:

H. B. No. 128, A bill to be entitled "An Act to amend Article 29 of Title 5 of the Revised Statutes of 1911, as amended by Acts of 1911, page 269, Section 1; Acts 1911, unpublished; Acts 1913, page 7, Section 1; and Acts of 1915, Chapter 70, Section 1, by providing that the counties of Rains, Wood, Van Zandt and Henderson shall be taken from the Fifth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the county of Lamar shall be taken from the Sixth Supreme Judicial District of Texas and added to the Fifth Supreme Judicial District of Texas; that the county of Panola shall be taken from the Ninth Supreme Judicial District of Texas; that the counties of Shelby, Nacogdoches and Angelina shall be taken

from the Ninth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the counties of Anderson and Houston be taken from the First Supreme Judicial District of Texas, and that the Court of Civil Appeals of the Sixth Supreme Judicial District of Texas shall hold its sessions in the city of Tyler, in the county of Smith; and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Baldwin:

H. B. No. 129, A bill to be entitled "An Act creating and establishing an educational institution of the first class for students of the white race to be located in the western portion of the State of Texas and to be known as the 'West Texas State College'; providing for a commission to determine upon the location of said college and enumerating their powers and duties; providing that such commission shall serve without compensation, but shall receive their actual expenses; providing for the manner of filling vacancies in said commission; providing that said commission shall have authority to make and enter into contracts to purchase lands for the use of such college, the contracts to be ratified and approved by the Legislature, otherwise to be null and void; defining the character of college to be established by this act and the general nature of the courses of instruction to be provided; making provision for appointment by the Governor of a board of directors for said college and defining their duties, power and authority, and vesting said board with the right to eminent domain; requiring the Attorney General to examine title to all lands acquired or contracted for by the locating commission; permitting the board of directors of such college to receive gifts, donations and things of value made to and for and on behalf of said college; making appropriation to defray the expenses of the locating commission; making appropriation for the purchase of lands for said college by the locating commission; fixing the time when such appropriation shall become effective, and if not used providing that said money shall be returned to or left in the State Treasury, and declaring an emergency."

Referred to Committee on Education.

By Mr. Baldwin:

H. B. No. 130, A bill to be entitled

"An Act to provide for the sale and lease of the land heretofore or hereafter set apart for the permanent University fund; prescribing the terms of sale; making provision as to minerals in said lands; providing for patenting and transferring and platting of said lands and reservations of royalty on minerals therein; repealing Articles 2633, 2634 and 2635 of the Revised Civil Statutes of 1911, which give the Board of Regents of the University of Texas control of the University land, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Westbrook:

H. B. No. 131, A bill to be entitled "An Act to amend Article 2643, of Chapter 2, Title 48, Revised Civil Statutes of Texas, 1911, providing that the Board of Regents of the University of Texas, when authorized by specific legislation, may expend the interest of the permanent University fund for permanent improvements; providing that any contract made in any manner or for any purpose as in said Article 2643 specified shall be null and void, and declaring an emergency."

Referred to Committee on Education.

By Mr. Fields:

H. B. No. 132, A bill to be entitled "An Act to amend Article 465 of the Code of Criminal Procedure of the State of Texas, and to further define the mode of prosecuting the offense of perjury in certain cases."

Referred to Committee on Criminal Jurisprudence.

By Mr. Quaid:

H. B. No. 133, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1922, and declaring an emergency."

Referred to Committee on Appropriations.

RELATING TO PROPOSED LEGISLATION.

The Speaker laid before the House, as postponed business, for consideration at this time, the resolution offered on last Saturday by Mr. Moore, relating to proposed legislation, with amendment by Mr. Fugler pending.

Mr. Patman moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—53.

Abney.	Lane.
Barrett.	LeMaster.
Bell.	Loftin.
Bryant.	Lusk.
Cable.	McDaniel.
Carson.	McDonald.
Carter of Coke.	Martin.
Chitwood.	Mathes.
Coffee.	Merritt.
Crawford.	Patman.
Davenport.	Perdue.
DeBerry.	Price.
Duffey.	Russell
Dunlap.	of Callahan.
Edwards.	Sanford.
Finlay.	Simpson.
Frnka.	Stell.
Fugler.	Stevens.
Gipson.	Stewart
Green.	of Edwards.
Harrington.	Stewart of Reeves.
Harris.	Stiernberg.
Henderson	Storey.
of Marion.	Thompson.
Henderson	Vaughan.
of McLennan.	Wallace.
Hendricks.	Wessels.
Houston.	Wilson.
Laird.	

Nays—68.

Mr. Speaker.	Durham.
Arnold.	Fields.
Atkinson.	Greer.
Avis.	Hardin of Erath.
Baker of Milam.	Howeth.
Baker of Orange.	Jacks.
Baldwin.	Jennings.
Barker.	Kemble.
Beasley.	Lamb.
Bird.	Lewis.
Blount.	Looney.
Bobbitt.	McBride.
Carpenter	McNatt.
of Dallas.	Maxwell.
Carpenter	Merriman.
of Matagorda.	Montgomery.
Carter of Hays.	Moore.
Covey.	Morgan
Cowen.	of Robertson.
Culp.	Pate.
Davis.	Patterson.
Dinkle.	Pinkston.
Dodd.	Potter.
Downs.	Purl.
Driggers.	Quaid.
Dunn.	Quinn.

Rice.	Stewart of Jasper.
Robinson.	Stroder.
Rogers.	Sweet.
Rowland.	Thrasher.
Russell of Trinity.	Turner.
Sackett.	Wells.
Shearer.	Westbrook.
Shires.	Williamson.
Smith.	Young.
Sparkman.	

Absent.

Bonham.	Miller.
Brady.	Morgan
Hardin	of Liberty.
of Kaufman.	Pope.
Irwin.	Rountree.
Johnson.	Satterwhite.
Lackey.	Teer.
McKean.	Winfree.
Melson.	

Absent—Excused.

Amsler.	Jones.
Burmeister.	LeSturgeon.
Collins.	McFarlane.
Dielmann.	Pool.
Faubion.	Strickland.
Hughes.	Wilmans.
Hull.	

Question then recurring on the resolution, it was adopted.

RELATING TO PUBLIC SCHOOL.

On motion of Mr. Baker of Milam, the following was ordered printed in the Journal:

The Lee County Teachers' Association, assembled at Lexington, Texas, January 6, 1923, and adopted the following resolutions:

1. Be it resolved, That we recommend the adoption of the county unit system of education for the improvement and the administration of the rural schools of Texas, so that equal educational opportunities may be given children in the rural sections.

2. Be it further resolved, That we go on record as opposing the new adoption of text books.

3. Also, that we go on record as being opposed to teachers' institutes and favoring some form of professional training.

LONA BRAUN,
Secretary-Treasurer.

RELATING TO FREE TEXT BOOKS.

The Speaker laid before the House, as postponed business, for consideration at this time,

H. C. R. No. 4, Providing for an investigation of the recent contracts let by the Texas State Text Book Commission, providing how such investigation shall be conducted, and providing how the result of such investigation shall be used.

The resolution having been read second time on last Saturday.

Mr. Sparkman moved to postpone further consideration of the resolution until next Monday.

Mr. Purl offered the following amendment to the resolution:

"Investigate all book purchases and contracts for last ten years."

Question—Shall the amendment be adopted?

COUNTING VOTES CAST FOR GOVERNOR AND LIEUTENANT-GOVERNOR.

(In Joint Session.)

At the hour of 10:30 o'clock a. m., fixed by concurrent action of the two houses for the Senate and the House of Representatives to meet in joint session for the purpose of counting the votes for Governor and Lieutenant-Governor cast at the general election held on Tuesday, the 7th day of November, A. D. 1922, the Honorable Senate were announced at the bar of the House, and by direction of the Speaker were admitted.

Escorted by the Sergeant-at-Arms of the Senate, A. W. Holt, the Secretary of the Senate, W. V. Howerton, and the Journal Clerk of the Senate, Tilden Childs, the Senators advanced into the Hall and by direction of the Speaker of the House occupied seats already prepared for them along the aisle.

Lieutenant-Governor Lynch Davidson, by invitation of the Speaker, occupied a seat on the Speaker's stand, to the left of the Speaker.

Lieutenant-Governor Davidson then directed the Secretary of the Senate to call the roll of the Senate.

The roll of the Senate was called, and the following Senators answered to their names:

Bailey.	Doyle.
Baugh.	Dudley.
Bledsoe.	Floyd.
Bowers.	Holbrook.
Clark.	Lewis.
Cousins.	McMillin.
Darwin.	Parr.
Davis.	Pollard.

Rice.
Ridgeway.
Rogers.
Strong.
Stuart.
Thomas.

Turner.
Watts.
Wirtz.
Witt.
Wood of Williamson.
Woods of Navarro.

Absent.

Burkett.
Murphy.

Fairchild.

The President of the Senate announced a quorum of the Senate present.

The Speaker then directed the Clerk to call the roll of the House.

The roll of the House was called, and the following members answered to their names:

Abney.	Harrington.
Arnold.	Harris.
Atkinson.	Henderson
Avis.	of McLennan.
Baker of Milam.	Hendricks.
Baker or Orange.	Houston.
Baldwin.	Howeth.
Barker.	Jacks.
Barrett.	Jennings.
Beasley.	Kemble.
Bell.	Lackey.
Bird.	Laird.
Blount.	Lamb.
Bryant.	Lane.
Cable.	LeMaster.
Carpenter	Lewis.
of Dallas.	Lusk.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carter of Coke.	McDonald.
Carter of Hays.	McNatt.
Chitwood.	Martin.
Coffee.	Mathes.
Collins.	Maxwell.
Covey.	Melson.
Cowen.	Merriman.
Crawford.	Merritt.
Culp.	Miller.
Davenport.	Montgomery.
Davis.	Moore.
DeBerry.	Morgan
Dinkle.	of Robertson.
Dodd.	Patman.
Downs.	Patterson.
Driggers.	Perdue.
Duffey.	Pinkston.
Dunlap.	Pope.
Dunn.	Potter.
Durham.	Price.
Edwards.	Purl.
Fields.	Quaid.
Finlay.	Quinn.
Fugler.	Rice.
Gipson.	Robinson.
Greer.	Rogers.
Hardin of Erath.	Rountree.

Rowland.	Stiernberg.
Russell	Storey.
of Callahan.	Stroder.
Sackett.	Sweet.
Sanford.	Thompson.
Satterwhite.	Thrasher.
Shearer.	Turner.
Shires.	Vaughan.
Simpson.	Wallace.
Smith.	Wells.
Sparkman.	Westbrook.
Stell.	Wessels.
Stevens.	Williamson.
Stewart	Wilson.
of Edwards.	Winfree.
Stewart of Jasper.	Young.
Stewart of Reeves.	

Absent.

Bobbitt.	Henderson
Bonham.	of Marion.
Brady.	Johnson.
Carson.	Loftin.
Frnka.	Looney.
Green.	McKean.
Hardin	Pate.
of Kaufman.	Russell of Trinity.
Irwin.	Teer.

Absent—Excused.

Amaler.	LeStourgeon.
Burmeister.	McFarlane.
Dielmann.	Morgan
Faubion.	of Liberty.
Hughes.	Pool.
Hull.	Strickland.
Jones.	Wilmans.

The Speaker announced a quorum of the House present.

The President of the Senate and the Speaker of the House then stated that the two houses were in joint session for the purpose of counting the votes for Governor and Lieutenant-Governor cast at the last general election.

The President of the Senate announced the appointment of the following tellers on the part of the Senate:

Senators Witt, Burkett and Davis.

The President of the Senate announced the appointment of Senator Rogers to act for Senator Burkett, who was absent.

The Speaker of the House announced the appointment of the following tellers on the part of the House:

Messrs. Beasley, Carter of Coke, Russell of Callahan, Edwards and Jacks.

The joint tellers were announced present and at once came forward and occupied the seats at a table already prepared for them.

The Speaker then requested the joint tellers to come forward to receive the returns of the last general election for Governor and Lieutenant-Governor, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives of the Thirty-eighth Legislature, which returns he delivered to the joint tellers.

The joint tellers then proceeded to the work of counting the votes cast for Governor and Lieutenant-Governor at the last general election.

(Pending count of the vote, Mr. Mathes occupied the chair temporarily.)

When the count was completed, the President Pro Tempore of the Senate and the Speaker of the House announced to the joint session that the joint tellers had completed the count of the votes and that the joint session is now ready to receive the results and to have the report of the joint tellers.

Senator Witt, on the part of the Senate, and Mr. Beasley, on the part of the House, submitted the following report:

RETURNS OF A GENERAL ELECTION HELD NOVEMBER 7, 1922,
For Governor and Lieutenant-Governor.

County	Governor		Lieutenant-Governor	
	Neff	Atwell	Davidson	Kepple
Anderson.....	2,251	305	2,415	168
Andrews.....	49	3	55	2
Angelina.....	2,954	199	3,098	114
Aransas.....	234	31	242	21
Archer.....	710	109	765	53
Armstrong.....	383	32	387	30
Atascosa.....	682	77	720	35
Austin.....	1,552	817	2,149	333
Bailey.....	96	8	93	8
Bandera.....	527	279	533	258
Bastrop.....	1,514	474	1,637	408
Baylor.....	685	57	723	33
Bee.....	1,041	331	1,180	173
Bell.....	3,709	304	3,851	229
Bexar.....	11,464	6,188	12,217	5,055
Blanco.....	585	470	605	439
Borden.....	59	7	62	6
Bosque.....	1,790	346	1,909	254
Bowie.....	1,713	198	1,927	104
Brazoria.....	1,308	378	1,363	339
Brazos.....	1,272	80	1,300	69
Brewster.....	259	23	268	15
Briscoe.....	263	3	293	11
Brooks.....	118	20	125	12
Brown.....	1,793	190	1,883	157
Burleson.....	1,234	234	1,290	195
Burnet.....	793	157	797	130
Caldwell.....	1,445	225	1,501	120
Calhoun.....	522	197	557	156
Callahan.....	783	127	855	114
Cameron.....	1,296	324	1,317	290
Camp.....	669	80	710	50
Carson.....	502	87	519	70
Cass.....	1,173	311	1,250	269
Castro.....	218	18	228	10
Chambers.....	226	59	229	55
Cherokee.....	2,350	178	2,411	132
Childress.....	1,041	166	1,219	64
Clay.....	1,474	184	1,542	143
Cochran.....				
Coke.....	541	47	550	33
Coleman.....	1,814	165	1,858	103
Collin.....	5,535	776	5,824	540
Collingsworth.....	965	77	996	50
Colorado.....	1,482	636	1,884	275
Comal.....	663	945	861	743
Comanche.....	1,746	258	1,936	146
Concho.....	416	71	445	45
Cooke.....	2,980	337	3,006	283
Coryell.....	1,722	238	1,807	166
Cottle.....	564	75	592	58
Crane.....				
Crockett.....	72	13	75	10
Crosby.....	769	53	803	41
Culberson.....	86	7	89	6
Dallam.....	570	101	681	58
Dallas.....	17,025	3,670	17,729	2,826
Dawson.....	233	45	251	25
Deaf Smith.....	304	51	404	49
Delta.....	1,311	103	1,485	66
Denton.....	2,846	420	2,962	327
DeWitt.....	1,968	1,689	2,528	1,110
Dickens.....	512	52	538	24
Dimmit.....	145	35	148	32
Donley.....	998	45	1,030	26
Duval.....	547	232	551	232
Eastland.....	3,261	418	3,367	348
Ector.....	99	7	106	3
Edwards.....	311	138	301	130
Ellis.....	4,341	448	4,474	311
El Paso.....	6,009	2,450	6,955	1,542
Erath.....	1,847	243	1,985	125
Falls.....	1,885	179	1,952	119
Fannin.....	3,689	316	3,687	318
Fayette.....	1,876	3,893	2,888	2,957
Fisher.....	908	76	985	45
Floyd.....	726	98	745	82

RETURNS OF A GENERAL ELECTION HELD NOVEMBER 7, 1922,
For Governor and Lieutenant-Governor.

County	Governor		Lieutenant-Governor	
	Neff	Atwell	Davidson	Kepple
Foard.....	499	55	463	42
Fort Bend.....	1,019	320	1,118	229
Franklin.....	538	74	567	47
Freestone.....	1,906	451	1,991	373
Frio.....	810	38	821	33
Gaines.....	158	13	167	3
Galveston.....	3,061	926	3,518	457
Garza.....	377	48	404	28
Gillespie.....	351	1,849	429	1,760
Glasscock.....	96	7	103	1
Goliad.....	656	892	674	863
Gonzales.....	1,505	366	1,558	312
Gray.....	592	44	607	48
Grayson.....	4,955	1,274	5,545	822
Gregg.....	921	40	949	33
Grimes.....	1,101	150	1,163	114
Guadalupe.....	1,132	2,394	1,250	2,248
Hale.....	1,274	125	1,317	86
Hall.....	1,120	56	1,154	39
Hamilton.....	1,082	248	1,140	185
Hansford.....	234	18	232	18
Hardeman.....	1,074	78	1,099	66
Hardin.....	1,064	101	1,125	62
Harris.....	16,508	3,547	17,023	3,077
Harrison.....	1,270	366	1,731	39
Hartley.....	133	9	138	5
Haskell.....	1,262	110	1,307	79
Hays.....	1,090	58	1,109	48
Hemphill.....	377	40	385	36
Henderson.....	1,774	360	1,844	291
Hidalgo.....	2,613	780	2,023	782
Hill.....	3,753	402	3,920	291
Hockley.....	67	5	70
Hood.....	605	118	637	91
Hopkins.....	3,365	164	3,401	141
Houston.....	1,636	181	1,672	130
Howard.....	846	30	909	14
Hudspeth.....	102	9	93	7
Hunt.....	5,743	242	5,832	217
Hutchinson.....	187	43	186	42
Irion.....	155	16	170	8
Jack.....	962	197	1,011	152
Jackson.....	724	336	746	300
Jasper.....	1,004	53	953	44
Jeff Davis.....	156	5	159	3
Jefferson.....	3,697	682	3,764	596
Jim Hogg.....	59	8	61	7
Jim Wells.....	476	29	485	15
Johnson.....	2,830	309	3,180	172
Jones.....	1,578	129	1,748	93
Karnes.....	1,677	318	1,952	118
Kaufman.....	2,790	298	3,274	241
Kendall.....	237	916	239	906
Kennedy.....	48	4	50	2
Kent.....	193	7	206	4
Kerr.....	542	171	548	165
Kimble.....	428	38	441	26
King.....	172	5	116
Kinney.....	197	132	199	131
Kleberg.....	840	45	830	27
Knox.....	999	48	1,020	41
Lamar.....	3,525	181	3,595	122
Lamb.....	257	12	256	12
Lampasas.....	777	149	822	97
LaSalle.....	190	7	189	8
Lavaca.....	1,259	1,840	2,264	818
Lee.....	1,157	1,311	1,238	1,260
Leon.....	947	166	967	141
Liberty.....	977	158	1,004	137
Limestone.....	2,218	162	2,257	133
Lipscomb.....	493	279	491	272
Live Oak.....	500	130	554	67
Llano.....	508	96	532	74
Loving.....
Lubbock.....	1,112	83	1,151	62
Lynn.....	484	26	502	32
Madison.....	619	62	624	46

**RETURNS OF A GENERAL ELECTION HELD NOVEMBER 7, 1922,
For Governor and Lieutenant-Governor.**

County	Governor		Lieutenant-Governor	
	Neff	Atwell	Davidson	Kepple
Marion	536	111	546	106
Martin	164	19	168	15
Mason	275	81	282	68
Matagorda	1,338	394	1,400	346
Maverick	245	131	237	134
McCulloch	867	70	898	44
McLennan	5,472	893	5,728	616
McMullen	107	5	106	4
Medina	752	1,225	823	1,045
Menard	249	43	251	13
Midland	194	18	203	13
Milam	2,666	558	2,736	416
Mills	780	185	830	133
Mitchell	734	63	794	44
Montague	1,769	161	1,827	123
Montgomery	801	48	814	41
Moore	37		37	
Morris	538	63	575	39
Motley	295	18	302	11
Nacogdoches	1,718		1,864	
Navarro	3,685	564	3,654	340
Newton	354	20	359	19
Nolan	1,037	90	1,069	61
Nueces	2,274	574	2,404	417
Orchilree	251	23	249	25
Oldham	171	7	173	6
Orange	1,019	62	1,061	52
Palo Pinto	1,980	191	2,054	142
Panola	1,011	57	1,026	52
Parker	1,810	156	1,856	126
Parmer	439	48	439	42
Pecos	478	151	472	133
Polk	841	50	850	35
Potter	1,602	142	1,614	68
Presidio	200	58	219	38
Rains	781	116	802	95
Randall	432	36	458	26
Reagan	91	3	93	2
Real	259	116	252	112
Red River	2,113	174	2,223	141
Reeves	358	23	373	13
Refugio	392	301	421	259
Roberts	203	10	203	9
Robertson	1,124	114	1,144	58
Rockwall	882	41	906	18
Runnels	1,541	376	1,624	358
Rusk	1,799	161	1,835	144
Sabine	644		662	
San Augustine	700	98	768	49
San Jacinto	276	36	271	31
San Patricio	1,129	261	1,224	177
San Saba	844	84	878	52
Schleicher	182	22	189	16
Sourry	929	49	932	36
Shackelford	699	35	731	15
Shelby	2,642	191	2,767	125
Sherman	140	15	145	12
Smith	2,977	467	3,286	278
Somervall	224	37	254	15
Starr	357	30	359	28
Stephens	1,074	91	1,116	55
Sterling	212	7	212	5
Stonewall	384	33	422	33
Sutton	219	19	222	14
Swisher	469	41	475	38
Tarrant	12,006	1,675	12,388	1,281
Taylor	2,043	171	2,155	128
Terrell	193	48	196	43
Terry	254	17	271	5
Throckmorton				
Titus	877	91	907	73
Tom Green	1,450	158	1,526	96
Travis	4,150	609	4,251	499
Triality	711	76	742	49
Tyler	407	7	439	8
Upshur	1,215	230	1,294	140
Upton	32	2	32	2

RETURNS OF A GENERAL ELECTION HELD NOVEMBER 7, 1922,
For Governor and Lieutenant-Governor.

County	Governor		Lieutenant-Governor	
	Neff	Atwell	Davidson	Kepple
Uvalde.....	703	39	704	36
Val Verde.....	323	77	337	69
Van Zandt.....	2,287	240	2,375	164
Victoria.....	794	474	955	377
Walker.....	643	97	652	94
Waller.....	850	77	867	66
Ward.....	174	36	180	27
Washington.....	2,088	817	2,186	672
Webb.....	1,012	133	1,033	120
Wharton.....	1,539	441	1,667	327
Wheeler.....	735	96	751	81
Wichita.....	3,121	308	3,337	218
Wilbarger.....	1,402	51	1,435	34
Willacy.....	191	64	184	67
Williamson.....	3,363	824	3,487	707
Wilson.....	948	694	1,109	508
Winkler.....	17	3	20
Wise.....	2,764	182	2,797	147
Wood.....	1,944	251	1,997	220
Yoakum.....	103	2	111	1
Young.....	1,692	92	1,709	87
Zapata.....	254	196	254	196
Zavala.....				
Total.....	334,199	73,327	353,550	56,519

Scattering vote for Governor..... 31
Scattering vote for Lieutenant-Governor.. 2

Austin, Texas, January 15, 1923.

Hon. Lynch Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your joint committee and tellers, appointed to canvass the votes cast at the last general election held in the State of Texas on November 7, 1922, for Governor and Lieutenant-Governor of the State of Texas, beg leave to report that we have performed that duty, and the result of our canvass is as follows:

There were cast for Governor:

Pat M. Neff.....	334,199 votes.
W. H. Atwell	73,327 votes.
Scattering	31 votes.

Total number of votes
cast for Governor....407,557 votes.

There were cast for Lieutenant-Governor:

T. W. Davidson.....	353,550 votes.
George E. Kepple.....	56,519 votes.
Scattering	2 votes.

Total number of votes
cast for Lieutenant-Governor410,071 votes.

No returns were presented to your committee from the following named counties: Cochran, Crane, Loving, Throckmorton and Zavala.

All of which is respectfully submitted.

WITT,
DAVIS,
ROGERS,

On the part of the Senate.

BEASLEY,
CARTER of Coke,
RUSSELL of Callahan,
EDWARDS,
JACKS,

On the part of the House.

Whereupon, Hon. R. E. Seagler, Speaker of the House of Representatives, and Hon. Lynch Davidson, President Pro Tempore of the Senate, each made the following announcement:

"Hon. Pat M. Neff having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State for the ensuing term of two years; and Hon. T. W. Davidson having received the highest number of votes cast, I, by virtue of the authority vested in

me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant-Governor of the State of Texas for the ensuing term of two years."

The Speaker of the House then announced that the business of the joint session was concluded, and delivered the election returns used in counting the vote into the hands of Chief Clerk Carl Phinney, taking his receipt therefor and directing him to deliver the same in person to the Secretary of State, and to take the receipt of the Secretary of State for the documents.

SENATE RETIRES.

Lieutenant-Governor Davidson stated that the business of the joint session being completed, the Senate would retire to its chamber.

The Senate then retired to its chamber.

EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following stenographers:

Miss Lona Ready, Miss Josephine Duval, Miss Anita Heberer, to take the place of Mrs. Lila Rea, resigned.

THANKING JUDGE I. P. HILDEBRAND.

Mr. Carter of Coke offered the following resolution:

Resolved by the House of Representatives, That we extend our thanks to Judge Ira P. Hildebrand, of the Law Faculty of the University of Texas, for his legal service rendered the State of Texas in the matter of establishing the legal status of the Redistricting Bill passed by the Thirty-seventh Legislature, in which Swisher county was omitted, and to our fellow member, John T. Smith, of Austin, for acting as "goat" in instituting this suit as plaintiff and pushing it to a final conclusion.

Be it further resolved, That this resolution be printed in the Journal of the House and that a copy of it be sent to Judge Hildebrand by the Chief Clerk.

The resolution was read second time and was adopted.

INVITATION TO DR. H. T. MUSSELMAN OF DALLAS.

Mr. Jacks offered the following resolution:

Whereas, Dr. H. T. Musselman of Dal-

las has made an exhaustive and extensive study of the means and methods of revenue and taxation of other States, other than ad valorem taxes; and

Whereas, It was the expressed desire of an informal caucus of fifty-six members of the House that an inquiry into the means and methods of revenue and taxation of other States be made; and

Whereas, Mr. Musselman has informed certain members of the House that he will be in Austin Tuesday, the 16th of January; therefore, be it

Resolved, That the House of Representatives shall extend to Dr. Musselman an invitation to address the House Tuesday afternoon, January 16th, at 4 o'clock, on the subject of revenue and taxation.

Signed—Jacks, Beasley.

The resolution was read second time and was adopted.

HOUSE BILL NO. 59 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 59, A bill to be entitled "An Act to amend Chapter 12, pages 21 and 22 of the laws passed at the First Called Session of the Thirty-seventh Legislature, 1921, by changing the time and terms of holding court in the Sixty-third Judicial District, so that Section 1 of said act shall hereafter read as follows, and declaring an emergency."

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—110.

Mr. Speaker.	Chitwood.
Abney.	Coffee.
Arnold.	Covey.
Atkinson.	Cowen.
Avis.	Crawford.
Baker of Milam.	Culp.
Baker or Orange.	Davenport.
Baldwin.	Davis.
Barrett.	DeBerry.
Bell.	Dielmann.
Bird.	Dinkle.
Blount.	Dodd.
Bobbitt.	Downs.
Bryant.	Driggers.
Cable.	Duffey.
Carpenter	Dunlap.
of Dallas.	Dunn.
Carpenter	Durham.
of Matagorda.	Edwards.
Carson.	Fields.
Carter of Coke.	Finlay.
Carter of Hays.	Frnka.

Fugler.
Gipson.
Green.
Hardin of Erath.
Hardin
of Kaufman.
Harrington.
Harris.
Henderson
of Marion.
Henderson
of McLennan.
Hendricks.
Howeth.
Jacks.
Jennings.
Johnson.
Lamb.
LeMaster.
Lewis.
Loftin.
Looney.
Lusk.
McBride.
McDaniel.
McDonald.
McNatt.
Martin.
Mathes.
Maxwell.
Melson.
Merritt.
Miller.
Montgomery.
Morgan
of Robertson.
Pate.
Patman.
Patterson.

Pinkston.
Pope.
Potter.
Price.
Purl.
Quaid.
Rice.
Robinson.
Rogers.
Rowland.
Russell
of Callahan.
Russell of Trinity.
Sanford.
Satterwhite.
Shearer.
Shires.
Simpson.
Smith.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart of Reeves.
Stiernberg.
Storey.
Stroder.
Sweet.
Teer.
Thompson.
Thrasher.
Turner.
Vaughan.
Wallace.
Westbrook.
Williamson.
Winfree.
Young.

Nays—1.

Wessels.

Present—Not Voting.

Wells.

Absent.

Barker.	McKean.
Beasley.	Merriman.
Bonham.	Moore.
Brady.	Morgan
Greer.	of Liberty.
Houston.	Perdue.
Irwin.	Quinn.
Kemble.	Rountree.
Lackey.	Sackett.
Laird.	Stevens.
Lane.	Stewart of Jasper.

Absent—Excused.

Amsler.	LeSturgeon.
Burmeister.	McFarlane.
Collins.	Pool.
Faubion.	Strickland.
Hughes.	Wilmons.
Hull.	Wilson.
Jones.	

COMMITTEE TO VISIT STATE RAILROAD.

The Speaker announced the appointment of the following committee to visit the State Railroad:

Messrs. Teer, Chitwood and Satterwhite.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, January 15, 1923.

To the Members of the Thirty-eighth Legislature:

The law is the foundation of every government. It is the keystone in the arch of the world's progress. Respect for and obedience to it constitute the anchor of our civilization. Without law there can be no liberty. Where the law ends, the rule of the mob begins. We have no guarantee for life and no security for property except through the law. To uphold it is the first duty of a government. When a government ceases to enforce its laws it ceases to be a government, and becomes a disorganized society, with the law of the jungle as its only guide. Where there is no law there is no civilization. Therefore, the majesty of the law, its purpose and its punishment, is a theme as wide as the impulses of civilized life, as high as the hopes of man and as deep as the virtues of the human heart.

Laws Must Be Obeyed.

If this is to be a government of laws, and not of men, then the laws must be obeyed. The laws are made for man, and not man for the laws. The material, the moral, the educational, the spiritual growth of the world, depends on a respect for and an obedience to the law. Lawlessness is endemic, epidemic, infectious and contagious, and opens the door to every evil disease that saps the sovereign strength of the State. All laws are valid and binding. No one is exempt from them. They should be impartially administered. No wealth, no business, no honor, no power, can make one immune from the mandates of the law. No fortune should ever lift a person so high that the long, strong

arm of the law could not reach him, and no misfortune should ever cause one to descend so low that his whispering voice could not be heard in the temple of justice. A people who ignore their laws will reap from the crimes which around them they sow, a harvest of barren regrets. We are guided and governed by law. Whatever the cost, a government must enforce her laws or go on the rocks of anarchy and ruin. If Texas is to be respected, her laws must be obeyed. A government must govern.

A General Revolt Against Authority.

There can be seen today on every hand a general revolt against governmental authority. Disrespect for the law of the land rides upon the wings of every wind. Cold, cruel, calculating crime has been organized and commercialized in Texas. It is now one of the established industries of the State. It is bold and insolent. It lifts its blatant head above the broken bulwarks of the law. It is struggling for social and political recognition. It is indeed a challenging day to the forces of righteousness to know that the forces of evil are making claim to respectability in this State.

Punishment Must Follow Crime.

People who will not willingly obey the law should be made to obey it. Punishment must follow crime as night follows the day. The genius of man has never found any better way to prevent crime than to punish criminals. If it were not for the fear of the punishment of the law, neither your life nor your property would be safe for one hour. There is no way to maintain a law except to punish those who trample it beneath their feet. The lance of truth should be hurled through every shield that shelters crime wherever found. The government has two functions to perform in punishing criminals: One is to purify society and the other is to reform criminals. Society owes its first duty to itself.

Peace Officers and Law Enforcement.

Under our form of government, public peace officers are elected by the people and charged with the responsibility of enforcing the law. They are the agencies of the people. The people place their trust in them by making them guardians of their property, their

liberty and their lives. The government as a government and the people as a people have a right to demand of the officers that they maintain order and uphold the law. There is no channel through which the law can be enforced except by the authority and power vested in the officers. For this high purpose the resources of the State and the powers of the government are placed at their command. Laws can only be given life by official action. He who is charged with the enforcement of the law should himself obey the law. The officer, a creature of the law, who will not himself obey the law, has no right to be an officer. The officer who keeps his eyes shut to the law and connives at its violations should not be permitted to receive the emoluments of office. The officer who is not capable of enforcing the law should resign. The officer who, for any reason, is unwilling to enforce the law should, by the strong arm of the law, be immediately stripped of every official power and every insignia of office. Peace officers cannot make laws. They cannot modify them. Their duty is to enforce them. As in the Charge of the Light Brigade, "His not to reason why; his but to do or die." The people who elect the officers should accept nothing less at their hands. As the citizen has no right to select what laws he will obey, so the officer has no right to select what laws he will enforce. His oath is to enforce all the law. Not to enforce the law is to inject poison into the arteries of the government. When an officer fails or refuses to enforce the law, the collective will of the people, he should be ousted from office. To do this imperatively necessary thing we sorely need some legislation. Some machinery should be put in motion that will throw out of office every officer in Texas on whom it can be proven that he wilfully and corruptly fails and refuses to enforce the laws of the State.

Ouster Proceedings.

The Attorney General of the State should be authorized to go into the open court room, before judge and jury, and if he could prove to twelve men in the jury box that an officer had wilfully and corruptly failed and refused to enforce the law, then in that event said defaulting officer should be ousted by order of the court. In order that the State and the defendant may each get a fair trial, the Attorney General, if he

so desired, should have the authority to institute ouster proceedings in a county other than the residence of the officer to be tried. Similar venue proceedings can now be instituted in criminal assault cases, in conspiracy, in pandering, in misapplication of public funds, in violation of anti-trust laws, in abduction, in kidnaping, in violation of the highway law and in several other offenses against the laws of Texas. There is no use to try him in his own county. The very fact that a county has an officer of that kind is strongly suggestive that the State would not get a fair trial in an effort to enforce the law. Try him where both the State and the defendant can have a fair and impartial trial. If you try him in his own county, where all his friends, relations, supporters and henchmen live, he can easily get one juror out of the twelve who will hang the jury, and thereby defeat the ends of justice. A bill thus providing for the removal of officers is not needed in so many counties, but in some counties it is badly needed. It will not hurt the good officers. The bad, dishonest officers are not entitled to be protected in their official misconduct.

That there is necessity for such a law cannot be questioned by any one who has taken time to investigate. This is no indictment against all the officers of Texas, but it can be truthfully stated that there are officers in certain localities who openly and arrogantly, wilfully and corruptly fail and refuse to uphold and enforce the law. They protect the criminal and neglect the public. Instead of enforcing the law, they stand in the way of the law. This statement is made after investigation and with a full understanding of its meaning.

State Sovereignty in the Enforcement of the Law.

Argument has been made by some people that the officers and the people of the respective counties are the judges as to how the laws should be enforced in their respective counties; that the enforcement of the laws in these counties is not a matter in which the State should interfere; and that for the State to do so is a violation of the fundamental principles of local self-government. There is no such thing as local self-government in regard to violations of the law. Our government was not instituted to favor criminals, but to protect the law-abiding. Every crime that is committed is a crime against the

State. The State enacts laws, not the counties. The State is the sovereign government. Counties are but political subdivisions of the State, made by the State for the convenience of the State in the administration of the government. Counties elect their officers, but elect them to enforce State laws. Every indictment charging an offense against the law begins in the name of the State and closes against the peace and dignity of the State. Every person in the penitentiary was sent there in the name of the State, not in the name of the county. The State pays the expenses of the sheriff who arrests him, of the judge who tries him, and of the penitentiary authorities who keep him. Therefore, the flag in behalf of law and order is raised in the name of the State. When county officers protest against the State sending her rangers and her State officials to a county to enforce the law, the protest is always made for the benefit of the criminals, and not the law-abiding people. If a county were permitted to set up its own standard for law enforcement, then the criminals could take charge of some small county in Texas and have a world of unrestrained lawlessness all their own. No parliament of gamblers, bootleggers, thieves, thugs, murderers and trespassers of the law generally should be permitted to establish courts, elect officers and take charge of any county in this State. The law should be enforced and respected on every square foot of Texas soil.

The Bootlegger Is An Outlawed Enemy.

The people of Texas by solemn constitutional and statutory enactment declared that intoxicating beverages should be neither manufactured nor sold anywhere in this State. In addition to this the people of the nation outlawed the age-long evils of the whisky traffic. Prohibition is now a part of the organic law of the land. Therefore, there should be no division of opinion among law-abiding citizens as to its enforcement. The law must be obeyed. The bootlegger must go. He is an enemy to civilization. Our prohibition laws should be strengthened. Officers who will not enforce this law should be removed from office. Failure to enforce this law weakens all our laws. Public sentiment must swing away from the bootlegger to the side of law and order. The prohibition law should be made more effective and those charged with its enforcement should be made to

perform their sworn duty or get out of office. No officer should connive with bootleggers. Our laws should be made, interpreted and enforced by sober officers.

Thou Shalt Not Kill.

Almost everything has risen in value in Texas except human life. It is our cheapest commodity. We averaged last year more than three homicides a day in Texas. We have in this State approximately two hundred homicides a year to each million inhabitants. Italy has ninety-five to the million; France has seventeen to the million; Germany has twelve to the million; Canada five to the million. More people were murdered in Texas, with a population of five million, last year, than were murdered in the British Empire with a population of fifty million, during the past twenty years. During recent years, London, with a population of approximately eight million people, averaged twenty-four murders a year; while Texas, with a population of only five million people, averaged more than one thousand murders a year. This appalling contrast but emphasizes the necessity for an immediate and effective remedy for the present laxity in the enforcement of the law in Texas. We have in this State too many killings and too few convictions. In Germany 95 per cent of those who take human life are convicted; in Texas, 2 per cent. In England few cases remain untried beyond ninety days, and if the case is appealed it is passed on ordinarily within a month. It takes almost two years to dispose of the average hotly contested criminal case in Texas, and about half of them have to be tried the second time, at which trial the defendant, having worn out his case, is found not guilty. In short, in other countries criminal cases are tried and convictions had and for that reason their morning papers are not filled with accounts of the bloody murders of the preceding day. The operation of the criminal law in Texas is a disgrace to the State. A traditional and parasitic growth of technicalities has sucked the life blood out of the Penal Code of Texas. We need legislation in the interest of the citizens and against criminals. The law no longer has terror for evil-doers. We have minimized punishment for crime until it has stripped the law of its power. We should revivify, revitalize, and re-electrify our criminal law.

The Suspended Sentence Law.

We have had in this State since 1913 what is known as the Suspended Sentence Law. It permits the jury to convict a person and at the same time set the verdict aside. Texas is the only State in the Union that permits a jury to find a person guilty and at the same time release him from punishment. The purpose that prompted the passage of the law was good. The practical workings of the law prove it a failure. It is an incubator for evil-doers. It makes of the law a shield for crime. It furnishes a loophole through which convicted criminals escape. It undermines the law. It robs the courthouse of its power, respect and dignity. It produces criminals. It has caused many of our young men to follow crime as a commercialized profession. Paraphrasing the dying words of Madam Roland as she was led to the guillotine, well might we exclaim: "Oh laws, oh laws, how many crimes are committed in thy name." Let us take lawlessness out of our laws and give to them a deterrent influence. The Suspended Sentence Law is responsible in a large measure for the carnival of crime in Texas. During the past four years more than four thousand convicted criminals in Texas escaped punishment by means of the Suspended Sentence Law. The farce and fraud of giving these four thousand convicted criminals the suspended sentence cost the taxpayers of Texas considerably more than one million dollars. During the past four years more criminals were convicted and given the suspended sentence than were convicted and sent to the penitentiary. The Suspended Sentence Law should be repealed and shoveled into the junk pile.

Should Not Make Heroes of Criminals.

The law-abiding people of Texas have the right to expect protection from the lawless element of society. They should not be forced to bend their knees to criminals. The trend of legislation in this State for years has been to make for the criminal a primrose path. Laws should be enacted to protect the innocent rather than the guilty. Not only have the Legislature and the courts of this country failed to function for the protection of the law-abiding, but there is among us a large class of mush-headed, faint-hearted, sentimentalists who, when criminals are caught red-handed and while their fingers are still dripping with human blood, greet them as heroes

and heroines. The maudlin mania and sickening sentiment both in and out of the jury box, that loses sight of truth and justice and right and makes a hero out of every person who commits a crime, is eclipsing the bright light of that resplendent star on the American flag that emblems forth the grandeur and glory of Texas.

The Courthouse.

In the administration of the law, I am for the courthouse, its judgments and its decrees. It is the one tribunal whose sole function is to make life sacred and property secure. It is the outgrowth of the centuries, the ripened product of civilization. When people ignore the courthouse and defy the law, they are blasting with the dynamite of destruction at the very foundation of their government. Without the courthouse the weak would be made to surrender to the strong. I am for the courthouse and against the mob. If civilization is worth preserving on the battlefield when war shakes her bristling bayonets, it is worth maintaining in the courthouse, where justice, when properly supported, holds forth her delicately-balanced scales. In this deluge of lawlessness and disrespect for governmental authority which has submerged the State, the courthouse will prove to be the Mount Ararat upon which the ark of the law must finally rest, to send forth the dove of peace and civilization.

Recommendations.

The Constitution imposes upon me the duty of seeing to it that the laws of the State are enforced. I am anxious to discharge that obligation. In order that I may do so, legislation, constitutional or statutory, or both, should be had along the following lines:

1. A short form, simplified complaint or indictment, charging the defendant in the language of the statutes with the commission at a certain time and place of a specified, indictable offense.

2. Permitting complaints or indictments to be amended as to formalities.

3. A law that will give the prosecution the right to discuss and the jury to consider the fact that the defendant did not see fit, while on trial to testify in his own behalf.

4. Joint trial, at the discretion of the court, of all those jointly indicted.

5. Providing that reversals on appeal shall not be had for harmless technical error in no way touching the guilt or innocence of the defendant.

6. Repeal of the Suspended Sentence Law.

7. Make it a violation of law, with a penitentiary penalty, to possess liquor or malt or a still or any other device or equipment capable of making intoxicants. Let a person who has liquor or equipment on his person or premises be tried by the same rules of evidence you would try a person for carrying on or about his person concealed weapons.

8. Make it a violation of law, with a jail sentence, for any person to be found in a public place under the influence of an intoxicating beverage.

9. A law providing for the seizure and forfeiture of animals, automobiles, flying machines and other things of whatever character used for the transportation of intoxicants.

10. Prohibiting those from holding law-enforcement offices who drink intoxicants or violate any penal statute involving moral turpitude.

11. The passage of a law requiring every person elected or appointed to office to take an oath upon qualifying for office that he has not knowingly during the past year violated the liquor laws of Texas or of the United States, and that he will not do so during his term of office. Now, an officer takes an oath that he never fought a duel. That is now a relic of barbarism. Substitute for that part of the present oath the obligation that he will not get drunk.

12. A law providing for the speedy removal from office of an officer against whom it can be proven in open court that he has wilfully and corruptly failed or refused to enforce the law.

13. More efficient and effective punishment for carrying concealed weapons, making it a penitentiary offense for a bootlegger to have on his person concealed weapons.

14. A law prohibiting the sale or lease of a pistol or the handling of ammunition for same except such as may be used officially under government regulations.

15. A law that will speed up the trial and final disposal of criminal cases.

16. Legislation that will give some law-enforcing officer of the State authority to have, for the purpose of enforcing the law, district judges exchange benches for such time as may be designated not exceeding one term of court.

Respectfully submitted,

PAT M. NEFF,

Governor.

BILLS RE-REFERRED.

On motion of Mr. Smith, House bill No. 55 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Municipal and Private Corporations.

On motion of Mr. Chitwood, House bills Nos. 19, 38, 57, 58, 75 and 105 were withdrawn from the Committee on Education and referred to the Committee on Local School Districts.

EMPLOYE OF THE HOUSE.

The Speaker announced the appointment of the following:

Stenographer to Appropriations Committee—Mrs. Uncas Johnson.

RELATING TO FREE TEXT BOOKS.

The Speaker laid before the House, as unfinished business, the resolution by Mr. Laird, relating to free text books, with motion by Mr. Sparkman to postpone further consideration of the resolution until next Monday, and amendment by Mr. Purl, pending.

Mr. Fields moved the previous question on the amendment and the motion to postpone, and the main question was ordered.

Question first recurring on the motion to postpone, yeas and nays were demanded.

The motion to postpone prevailed by the following vote:

Yeas—87.

Mr. Speaker.	Dunlap.
Arnold.	Dunn.
Baker of Milam.	Durham.
Baker of Orange.	Edwards.
Baldwin.	Fields.
Barker.	Fugler.
Bell.	Gipson.
Blount.	Green.
Bobbitt.	Hardin of Erath.
Bryant.	Harrington.
Cable.	Harris.
Carpenter	Henderson
of Dallas.	of Marion.
Carpenter	Henderson
of Matagorda.	of McLennan.
Carson.	Howeth.
Carter of Coke.	Jennings.
Carter of Hays.	Johnson.
Coffee.	Kemble.
Covey.	Lamb.
Cowen.	Lane.
Culp.	LeMaster.
DeBerry.	Looney.
Dinkle.	Lusk.
Downs.	McDonald.

McNatt.	Sackett.
Martin.	Sanford.
Maxwell.	Satterwhite.
Melson.	Shearer.
Merritt.	Shires.
Montgomery.	Simpson.
Moore.	Smith.
Morgan	Sparkman.
of Robertson.	Stewart of Jasper.
Patman.	Stewart of Reeves.
Patterson.	Stiernberg.
Perdue.	Storey.
Pinkston.	Sweet.
Potter.	Teer.
Price.	Thompson.
Purl.	Thrasher.
Quaid.	Vaughan.
Robinson.	Wallace.
Rogers.	Westbrook.
Rountree.	Williamson.
Russell	Winfree.
of Callahan.	Young.
Russell of Trinity.	

Nays—38.

Abney.	Laird.
Atkinson.	Loftin.
Avis.	McBride.
Barrett.	McDaniel.
Bird.	Mathes.
Chitwood.	Miller.
Crawford.	Pate.
Davenport.	Pope.
Davis.	Rice.
Dielmann.	Rowland.
Dodd.	Stell.
Driggers.	Stevens.
Duffey.	Stewart
Finlay.	of Edwards.
Frnka.	Stroder.
Greer.	Turner.
Hendricks.	Wehs.
Houston.	Wessels.
Jacks.	Wilson.
Lackey.	

Absent.

Beasley.	Lewis.
Bonham.	McKean.
Brady.	Merriman.
Hardin	Morgan
of Kaufman.	of Liberty.
Irwin.	Quinn.

Absent—Excused.

Amsler.	Jones.
Burmeister.	LeStourgeon.
Collins.	McFarlane.
Faubion.	Pool.
Hughes.	Strickland.
Hull.	Wilmons.

HOUSE BILL NO. 21 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 21, A bill to be entitled "An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section; providing for the appointment of a clerk of the Court of Criminal Appeals; fixing his salary and defining his powers and duties; abolishing the salary of deputy clerk; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. Frnka offered the following amendment to the bill:

Amend House bill No. 21, page 1, line 24, by striking out the word "now."

Mr. Price moved the previous question on the amendment and the bill, and the motion was duly seconded.

Question first recurring on the motion for the previous question, yeas and nays were demanded and the main question was ordered by the following vote:

Yeas—75.

Arnold.	Kemble.
Atkinson.	Lackey.
Baker of Milam.	Lamb.
Baker of Orange.	Lane.
Baldwin.	LeMaster.
Barrett.	Lewis.
Bird.	Loftin.
Blount.	Lusk.
Bobbitt.	McBride.
Carpenter	McDonald.
of Dallas.	McNatt.
Carpenter	Martin.
of Matagorda.	Maxwell.
Carson.	Merritt.
Carter of Coke.	Miller.
Carter of Hays.	Patterson.
Chitwood.	Pinkston.
Covey.	Potter.
Cowen.	Price.
DeBerry.	Purl.
Driggers.	Quaid.
Duffey.	Quinn.
Dunlap.	Robinson.
Dunn.	Rogers.
Edwards.	Rountree.
Fields.	Russell of Trinity.
Frnka.	Sackett.
Fugler.	Sanford.
Gipson.	Satterwhite.
Green.	Shires.
Harrington.	Simpson.
Harris.	Smith.
Henderson	Stewart of Jasper.
of Marion.	Stiernberg.
Hendricks.	Storey.
Howeth.	Sweet.
Jacks.	Thrasher.
Jennings.	Turner.

Wells.	Young.	Carter of Coke.	McDonald.
Wilson.		Carter of Hays.	McKean.
	Nays—53.	Chitwood.	McNatt.
Abney.	Merriman.	Coffee.	Maxwell.
Avis.	Moore.	Covey.	Merriman.
Barker.	Morgan	Cowen.	Miller.
Beasley.	of Robertson.	Crawford.	Montgomery.
Bell.	Pate.	Culp.	Morgan
Bryant.	Patman.	Davis.	of Robertson.
Cable.	Perdue.	DeBerry.	Patman.
Coffee.	Pope.	Dielmann.	Patterson.
Crawford.	Rice.	Downs.	Pinkston.
Culp.	Rowland.	Driggers.	Potter.
Davenport.	Russell	Duffey.	Price.
Davis.	of Callahan.	Dunlap.	Purl.
Dielmann.	Shearer.	Dunn.	Quaid.
Dinkle.	Sparkman.	Durham.	Quinn.
Dodd.	Stell.	Edwards.	Rice.
Durham.	Stevens.	Fields.	Robinson.
Finlay.	Stewart	Frnka.	Rogers.
Greer.	of Edwards.	Fugler.	Rountree.
Hardin of Erath.	Stewart of Reeves.	Gipson.	Russell of Trinity.
Henderson	Stroder.	Green.	Sackett.
of McLennan.	Teer.	Harrington.	Sanford.
Houston.	Thompson.	Harris.	Satterwhite.
Johnson.	Vaughan.	Henderson	Shires.
Laird.	Wallace.	of Marion.	Simpson.
Looney.	Westbrook.	Henderson	Smith.
McDaniel.	Wessels.	of McLennan.	Stewart of Jasper.
Mathes.	Williamson.	Hendricks.	Stiernberg.
Melson.	Winfree.	Howeth.	Storey.
		Jacks.	Stroder.
	Absent.	Jennings.	Sweet.
Bonham.	Irwin.	Kemble.	Thrasher.
Brady.	McKean.	Lackey.	Turner.
Downs.	Montgomery.	Lane.	Vaughan.
Hardin	Morgan	LeMaster.	Wells.
of Kaufman.	of Liberty.	Lewis.	Williamson.
		Loftin.	Wilson.
		Lusk.	Young.
		McBride.	
			Nays—36.
Amsler.	Jones.	Avis.	Pate.
Burmeister.	LeSturgeon.	Barker.	Perdue.
Collins.	McFarlane.	Bryant.	Pope.
Faubion.	Pool.	Cable.	Rowland.
Hughes.	Strickland.	Davenport.	Russell
Hull.	Wilmans.	Dinkle.	of Callahan.
		Dodd.	Shearer.
		Finlay.	Sparkman.
		Hardin of Erath.	Stell.
		Houston.	Stevens.
		Laird.	Stewart
		Lamb.	of Edwards.
		Looney.	Stewart of Reeves.
		McDaniel.	Teer.
		Martin.	Thompson.
		Mathes.	Wallace.
		Melson.	Westbrook.
		Merritt.	Wessels.
		Moore.	Winfree.
			Absent.
		Bonham.	Greer.
		Brady.	Irwin.

The amendment was then adopted.

Question then recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 21 was passed by the following vote:

Yeas—93.

Mr. Speaker.	Bell.
Abney.	Bird.
Arnold.	Blount.
Atkinson.	Bobbitt.
Baker of Milam.	Carpenter
Baker of Orange.	of Dallas.
Baldwin.	Carpenter
Barrett.	of Matagorda.
Beasley.	Carson.

Hardin
of Kaufman.
Johnson.

Morgan
of Liberty.

Absent—Excused.

Amsler.
Burmeister.
Collins.
Faubion.
Hughes.
Hull.

Jones.
LeSturgeon.
McFarlane.
Pool.
Strickland.
Wilmons.

ADDRESS BY HON. THOMAS H.
BALL.

Mr. Rogers offered the following resolution:

Whereas, The Hon. Thomas H. Ball, of Houston, is now on the floor of this House; and

Whereas, He served this State in the Congress of the United States and has always been a progressive lawyer, statesman and citizen; and

Whereas, He may not be present again during the present session of the Legislature; therefore, be it

Resolved, That this House composed of the members of the thirty-eighth session invite and permit the Hon. Thomas H. Ball to address this House, said time allotted not to exceed ten minutes.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker appointed Messrs. Rogers, Winfree and McDonald to escort Colonel Ball to the Speaker's stand.

Speaker Seagler presented Mr. Winfree to the House, who introduced Colonel Ball.

Colonel Ball then addressed the House.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, January 15, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 28, A bill to be entitled "An Act creating the Kerrville Independent School District, in Kerr county, Texas, out of the territory known as the Kerrville Independent School District, organized under the general laws, and other adjacent property thereto in said county and including with its boundaries the municipal corporation of the city of Kerrville; providing for a board of trustees thereof and authorizing the

board of trustees to levy, assess and collect special taxes; and repealing all laws in conflict with this act, and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act to amend Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, same being Senate bill No. 267, approved March 12, 1921, as amended by Chapter 4 of the General Laws passed by the Second Called Session of the Thirty-seventh Legislature, same being Senate bill No. 14, approved August 25, 1921, creating a board of managers for the Texas State Railroad; providing its duties, etc.; amending Section 1 of the original act so as to provide for the appointment of members and chairman of the board and for filling vacancies thereon; also by adding Sections 8a and 8b, authorizing the granting of free passes or transportation over railroads to the members of the boards of managers, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

RELATING TO FREE TEXT BOOKS.

Mr. Davenport offered the following resolution:

Whereas, There is now pending before this House a proposed amendment to the Constitution designed to give the Legislature power to print or have printed text books for use in the public schools of Texas; and

Whereas, The States of Kansas and California now print their own text books, and there is now in Austin a comprehensive display of the State-printed text books of those commonwealths; and

Whereas, H. H. Hodge of Dallas is in charge of said display and comprehensive printed data regarding these books; therefore, be it

Resolved, That the House do invite Mr. Hodge to place this display of text books in the back corridor of the House of Representatives for the information of the members.

Signed—Davenport, Cowen, Pope, Russell of Trinity.

The resolution was read second time and was adopted.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read

severally first time, and referred to the appropriate committees, as follows:

By Mr. Coffee and others:

H. B. No. 134, A bill to be entitled "An Act to amend Article 7383 of the Revised Civil Statutes of Texas of 1911, relating to the occupation taxes based upon gross receipts of individuals, companies, corporations and associations engaged in the business of producing oil from oil wells in the State, as amended by Chapter 77 of the Acts of the Thirty-sixth Legislature of the State of Texas at its Regular Session; repealing Article 7383-A as enacted by the Thirty-sixth Legislature, so that hereafter said Article 7383 shall read as follows, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Durham:

H. B. No. 135, A bill to be entitled "An Act amending Article 7692 so as to provide for graduated penalties for delay in payment of taxes, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Henderson of Marion:

H. B. No. 136, A bill to be entitled "An Act amending Section 39 of Chapter 42, General Laws of the First Called Session of the Thirty-seventh Legislature, relative to public roads and highways, so as to except and exempt from the provisions of said chapter the county of Marion, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Henderson of Marion:

H. B. No. 137, A bill to be entitled "An Act repealing Chapter 42 of the General Laws of the First Called Session of the Thirty-seventh Legislature, relative to roads and highways, and which purports to provide for the patrol system for the care and upkeep of the public roads and highways of this State, and makes other provisions with reference to the public roads and highways and limits the provisions of the act to certain counties in this State, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Dodd:

H. B. No. 138, A bill to be entitled "An Act limiting and regulating the length of freight trains which may be run or operated over railroads in the State of Texas, prescribing a penalty for the violation thereof, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Teer:

H. B. No. 139, A bill to be entitled "An Act amending Article 3028 of the Revised Statutes of 1911, providing for the destruction of ballots of the general election."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Gipson:

H. B. No. 140, A bill to be entitled "An Act creating the Iowa Park Independent School District, in Wichita county, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent school districts for free school purposes only under the general laws of this State; providing a board of trustees therefor; providing that the present board of trustees of Iowa Park Independent School District as heretofore incorporated under the general laws shall continue in office until their respective terms shall have expired; providing that the vacancies on said board shall be filled by appointment by the remaining members of said board for the remainder of the term; divesting the heretofore existing Iowa Park Independent School District, Wichita county, and the trustees of the common school districts, the boundaries of which, or parts thereof, are within the boundaries of the district created by this act, of the control and management of all public free schools within the limits of the Iowa Park Independent School District as herein enlarged and created, and vesting the sole and exclusive management and control of all public schools within the limits and boundaries of said district in the Iowa Park Independent School District as herein defined; investing the title and right to all property owned, held, set apart or in any way dedicated to the use of public schools within the boundaries of the district as herein defined in the Iowa Park Independent School District as

herein enlarged and established; providing for the purchase of grounds, erection of buildings, of teachers and superintendent; providing for the assessment and collection of taxes; providing that all outstanding indebtedness, obligations and contracts of the Iowa Park Independent School District and common school districts, the boundaries of which are within the boundaries of the district as herein created, are hereby validated and made binding obligations upon the Iowa Park Independent School District as created by this act; providing that the local maintenance and bond tax as heretofore voted by the qualified voters of Iowa Park Independent School District as originally incorporated under the general laws shall be continued until such time as may be changed by majority vote of qualified voters of this district; repealing all laws in so far as they conflict herewith, and providing that in case any clause or section of this act be declared unconstitutional, such action by the court shall not invalidate the remaining clauses or sections of this act, and declaring an emergency."

Referred to Committee on Local School Districts.

By Mr. Jennings:

H. B. No. 141, A bill to be entitled "An Act to amend Article No. 1395 of the Civil Statutes of the State of Texas, changing the word 'five' to read 'two,' relating to an election held for the change of county seats."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Rountree:

H. B. No. 142, A bill to be entitled "An Act to appropriate the sum of one hundred thousand dollars, or as much thereof as may be necessary, out of the revenues of the State, for the erection of an administration building for the extension service of the Agricultural and Mechanical College of Texas, and the sum of fifteen thousand dollars out of the general revenues of the State for the repair and remodeling of 'Gathright Hall,' and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Pinkston:

H. B. No. 143, A bill to be entitled "An Act to prescribe the qualifications of notaries public; providing for the ap-

pointment of a board of examiners, composed of the county judge, county attorney and county clerk, to determine by written examination the qualifications of all applicants for appointment as notaries public; providing for the certification of qualifications of applicants to the Secretary of State for the information of the Governor and Senate; providing the board shall receive no compensation; providing that one certificate of qualification shall be sufficient for future; exempting licensed attorneys at law and justices of the peace, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Young:

H. B. No. 144, A bill to be entitled "An Act to amend Article 1422, Title XVII, Chapter 18, Penal Code, Revision of 1911, as amended, 1913, relating to offense of swindling, so as to prohibit the obtaining of money, merchandise or anything of value with intent to defraud by the giving of any check, draft or order for payment of money upon any person, firm, bank or corporation with which the person giving or drawing such check, draft or order for payment of money has not sufficient funds to pay same, declaring the check, draft or order for payment shall serve as prima facie evidence of intent to defraud, provided same is not paid upon demand, together with interest and costs, within ten days, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Carpenter of Dallas:

H. B. No. 145, A bill to be entitled "An Act to amend Title 14, Chapter 6, Revised Statutes of 1911, relating to banks and banking, by adding thereto Article 574-A, providing a penalty for the giving of worthless checks, drafts or orders; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Banks and Banking.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Finlay:

H. J. R. No. 11, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas prior to January 1, 1900; providing that all soldiers, sailors and their widows eligible under the provision hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven (\$.07) cents on the \$100 valuation of property in this State for the payment of such pension; providing that the Legislature may reduce the rate of pension for such purpose, fixing a time for the election to be held on such amendment, and making appropriation to pay the expenses thereof.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 28, to the Committee on Local School Districts.

Senate bill No. 69, to the Committee on State Affairs.

ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 4 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room.

Austin, Texas, January 15, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 21, A bill to be entitled "An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section; providing for the appointment of a clerk of the Court of Criminal Appeals; fix-

ing his salary and defining his powers and duties; abolishing the salary of deputy clerk; repealing all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

DINKLE, Chairman.

STANDING COMMITTEE REPORTS.

The Committee on State Affairs filed a favorable report today on House bill No. 89.

The Committee on Appropriations filed a favorable report today on Senate bills Nos. 1 and 2.

The Judiciary Committee filed favorable reports on January 10 on House bills Nos. 21 and 59.

RULES OF THE HOUSE.

On motion of Mr. Satterwhite, the following Rules of the House were ordered printed in the Journal:

RULE I.

Duties and Rights of the Speaker.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, but if no hour was fixed at such sitting, then at 1 o'clock p. m., and immediately call the members to order and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the Hall of the House and its lobby and galleries and the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members, and put them to the House, and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to-wit: "As many as are in favor (as the question may be) say 'aye,'" and after the affirmative vote is expressed, "As many as are opposed say 'no.'" If the Speaker be in doubt as to the re-

sult, or if a division is called for, the House shall divide; those in the affirmative on the question shall rise from their seats and remain standing until the Clerk has numbered (counted) them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered (counted) and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall decide all questions of order, subject to an appeal to the House made by any ten members, on which appeal no member shall speak more than once, unless by leave of the House. Pending an appeal, no motion shall be in order except to adjourn, to lay on the table, for the previous question, and the call of the House.

8. He shall examine, correct and approve the Journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specifically directed by the House, in which case they shall be elected; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker, as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the Acting Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the Chair; provided, however, that if the House is not in session, the Speaker shall deliver a written order to the Chief Clerk naming the member who shall call the House to order and preside during the absence of the Speaker.

12. All employes of the House shall be appointed and selected by the Speaker, and he shall have the right to discharge any of them.

RULE II.

Election and Compensation of Officers.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine and, after their salary has been fixed, no further or extra compensation whatsoever shall be allowed them. No officer or other employe of the House shall be permitted to receive, directly or indirectly, whether as a gift or otherwise, any compensation from any person whatsoever other than his regular salary from the House.

RULE III.

Duties of the Sergeant-at-Arms.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or chairman, and pending the election of a Speaker Pro Tempore, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the Hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, for the purpose of maintaining order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep for the use of the members and officers of the House such stationery and other supplies as may be ordered by the House or Committee on Contingent Expenses; and he shall keep an itemized account of the quantities of every kind received, the date and price paid therefor, and the persons for whom it was received and to whom it was delivered for use, with the date and quantities of each delivery. The unused remainder, if any, he shall deliver at the close of the session to the Secretary of State for safe keeping. He shall keep his office open daily, except Sunday, until one hour after the adjournment of the House, and on Sunday from 9 a. m. to 10 a. m.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and subject to his control and that of the Speaker, shall have the same power.

The Sergeant-at-Arms shall each day report to the Speaker the number of and the time of the receipt of all bills

or resolutions from the public printer. By number is meant the serial number and not the number of the copies printed.

RULE IV.

Duties of the Clerks.

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House and, pending the election of a Speaker Pro Tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order, subject to appeal of the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which it passed, if by yea and nay vote. In addition to his other duties, the Chief Clerk shall issue all warrants and vouchers of whatever character, and keep an accurate account with all members and employes of the House.

2. The Calendar Clerk shall keep the calendars of the House so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by the vote of the House. He shall keep an exact record of the times of delivery to the printer of bills and of the return of the printed bills, and shall see to it that all bills are printed in the order of their delivery to the printer. He shall remain at his desk daily (except Sundays) from 8 a. m. to 12 m. and from 1 to 6 p. m., and from 7:30 p. m. until 9 o'clock p. m. and at such other hours as the House or committees may be in session. He shall also have charge of all petitions, memorials, etc., referred to the committees; and when such matters have been returned, he shall carefully keep the same for preservation in the archives of the Legislature.

3. The Calendar Clerk shall keep a register in a well bound book, in which he will carefully record the order in which all bills and resolutions are delivered to the public printer and the order in which they are returned to the Clerk. This register shall be open to the inspection of the members of the House at all reasonable hours.

4. The Journal Clerk shall keep a journal of the proceedings of the House, in which all proceedings, when not acting under Committee of the Whole, shall

be entered as concisely and accurately as possible. In this journal there shall be entered the number and caption of every bill introduced. All simple and concurrent resolutions, and motions, all amendments, and all questions of order, with the decision thereon, and messages from the Governor and Senate shall be entered in full. Lists of all committee reports shall also be printed in the Journal.

Every vote of the House shall also be entered on the Journal with a concise statement of the action and of the result.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him, shall be printed under the supervision of the Journal Clerk, and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read unless upon motion therefor by a majority vote.

5. The Engrossing Clerk shall write out, in a fair, legible hand, or with a typewriter, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills, before the same is returned to the House, for their examination, correction and approval; and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

6. The Enrolling Clerk shall enroll all House bills, joint resolutions and such House concurrent resolutions as are required to be presented to the Governor that have passed both houses, typewriting them without erasures, interlineations or additions in the margin; and after they have been examined by the Committee on Enrolled Bills and found truly enrolled, they shall be immediately copied in a letter press copy book by the Enrolling Clerk, in the presence of the Committee on Enrolled Bills, and they shall then be reported to the House for the signature of the Speaker and then transmitted to the Senate.

7. The Reading Clerk and his assistant, if any, shall call all rolls of the House in the alphabetical order of the names of the members, and shall read aloud all bills, resolutions, motions and other written matter required by the rules or directed by the Speaker

to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk, the Reading Clerk shall take charge of and attend to all the duties of the office until the Chief Clerk returns or his successor is elected.

8. Any clerk, employe or officer of the House, other than the Speaker, who shall, directly or indirectly, attempt to influence any member of the House in favor of or against any measure pending before the House or use his official position in aiding anyone lobbying in respect to any measure or question pending before the House, shall be subject to discharge by the House on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any member of the House; provided further, that any standing committee of the House, by a majority vote of the members present, may grant any clerk, officer or employe the right to appear before such committee and make known his views on any measure pending before such committee.

9. All clerks and stenographers shall report daily, except Sundays, from 8 a. m. to 12 m. and from 1:30 to 6 p. m., and at such other hours as the House or the committee to which they have been assigned may be in session, or as they may be directed by the Speaker. A daily record of the arrivals and departures of clerks and stenographers shall be kept by the Chief Clerk.

RULE V.

Duties of the Doorkeeper.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and when the House is under call shall permit no member to leave the Hall without written permission from the Speaker. Five minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain.

RULE VI.

Duties of the Chaplain.

The Chaplain shall attend the commencement of each day's sitting of the House and open the same with prayer.

RULE VII.

Duties of the Superintendent of the Hall.

He shall, under the direction of the Speaker, care for and keep in order, the Hall, committee rooms and all other rooms assigned to the use of the House during its session.

RULE VIII.

Of Committees.

Unless otherwise ordered by the House, the Speaker shall appoint the members of the following committees to consist of the number designated for each; and all proposed legislation shall be referred by the Speaker, subject to correction of such reference by a majority of the House, to the appropriate committee named in this rule.

1. The Committee on Rules, to consist of five members, and which shall have jurisdiction over the Rules of the House, the joint rules, and all amendments proposed to either; and it shall be the special duty of the committee to assist in expediting the business of the House.

2. Appropriations, twenty-one members, with jurisdiction over all bills appropriating moneys from the general revenues of the State for maintenance of the State government, its departments and institutions.

3. Judiciary, twenty-one members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees, and with jurisdiction over all matters relating to civil procedure in the courts of the State.

4. Criminal Jurisprudence, twenty-one members, with jurisdiction over all matters of criminal law, and over all matters relative to criminal procedure in the courts of the State.

5. Revenue and Taxation, twenty-one members, with jurisdiction over bills to raise revenue, levying taxes or regulating the manner of their collection.

6. State Affairs, twenty-one members, with jurisdiction over questions of State policy, the administration of the State government, the organization, regulation and management of State departments, and the compensation and duties of officers of the State government, except as may be specifically assigned to other committees; and with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

7. Constitutional Amendments, twenty-one members.

ty-one members, with jurisdiction over all measures proposing amendments to the State Constitution.

8. Education, twenty-one members, with jurisdiction over all matters relating to education and to the public schools and colleges of the State.

9. Public Lands and Buildings, twenty-one members, with jurisdiction over all matters relating to University lands, the public school and asylum lands of the State, and the organization and management of the General Land Office, and the compensation and duties of its employees; and the jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings, and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

10. Penitentiaries, twenty-one members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

11. State Eleemosynary and Reformatory Institutions, twenty-one members, with jurisdiction over all measures concerning the asylums, reformatories and training schools, and other eleemosynary institutions of the State.

12. Military Affairs, eleven members, with jurisdiction over all matters relating to the State Volunteer Guard, State Rangers, and the Adjutant General's Department.

13. Public Health, twenty-one members, with jurisdiction over all matters relating to the protection of the public health, the Public Health Department of the State, to State and county quarantine, and to the practice of medicine, pharmacy and dentistry.

14. Public Printing, eleven members, with jurisdiction over all matters relating to printing for and stationery furnished to the State, its departments and institutions.

15. Examination of Comptroller's and Treasurer's Accounts, eleven members, whose duty it shall be to examine the departments of the State Comptroller and State Treasurer, and to submit reports upon the condition of each to the Legislature.

16. Federal Relations, eleven members, with jurisdiction over all matters involving the relations between the State and Federal governments.

17. Privileges, Suffrage and Elections, twenty-one members, with jurisdiction over all questions affecting the privileges of the whole House and of the members, over contested elections to

the House, and all measures relating to the right of suffrage, and to general, special and primary elections.

18. Contingent Expenses, five members, with full control over the expenditures of the House out of the contingent fund and it is expressly provided that no claim or bills against the House shall be paid out of the contingent fund, unless the same shall have been previously authorized, and a bill therefor subsequently approved by the Committee on Contingent Expenses, or unless otherwise provided by a vote of the House. The Committee on Contingent Expenses shall have assigned to it a committee clerk who is a bookkeeper and a stenographer, and who shall, under the direction of the committee, keep an itemized account of all the supplies and merchandise of whatsoever kind or description, or other expenditures authorized by the committee, from whom ordered, and the price paid therefor. This statement shall at all times be open to the inspection of any member of the House, and the minutes of the meeting shall be kept in a well bound book, and at the close of the session of the Legislature shall be delivered by the chairman of the Committee on Contingent Expenses to the Secretary of State, with the request that it be preserved in the archives of his office.

19. Enrolled Bills, five members, whose duty it shall be to examine all bills and resolutions enrolled in the House, and, when properly enrolled, to report thereon, and attend to the signing of the bills or resolutions by the proper officers of the Legislature, and then their delivery to the Governor. It shall also be their duty to examine and enroll bills and resolutions from the Senate, and verify the insertion therein of House amendments, if any, and report thereon.

20. Engrossed Bills, five members, whose duty it shall be to examine all bills and resolutions engrossed in the House and verify the insertion of amendments, if any, and when properly engrossed, to report thereon.

21. Judicial Districts, eleven members, with jurisdiction over all bills creating, changing or otherwise affecting judicial districts of the State.

22. Counties, eleven members, with jurisdiction over all matters relating to counties, their creation, organization, boundaries, government and finances, and the compensation and duties of their officers.

23. Roads, Bridges and Ferries, twenty-one members, with jurisdiction over all matters relating to the creation of county road systems, the establishment and maintenance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employes and workmen in connection therewith.

24. Municipal and Private Corporations, twenty-one members, with jurisdiction over all matters relating to municipalities and town corporations, their government, finances and officers; and over all matters relating to the organization, corporation, management and regulation of private corporations, except as may be specially assigned to other committees.

25. Common Carriers, twenty-one members, with jurisdiction over all matters relating to railroads, street and interurban railway lines, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission.

26. Insurance, twenty-one members, with jurisdiction over all matters relating to life and fire insurance, fidelity, casualty, and guaranty and surety companies, including their organization, incorporation, management, powers and regulations, and to all and of all fraternal insurance organizations.

27. Agriculture, twenty-one members, with jurisdiction over all matters relating to agriculture, horticulture and farm husbandry.

28. Live Stock and Stock Raising, twenty-one members, with jurisdiction over all matters relating to the live stock industry.

29. Commerce and Manufactures, eleven members, with jurisdiction over all matters relating to commerce, trade and manufactures.

30. Oil, Gas and Mining, twenty-one members, with jurisdiction over all matters relating to oil and gas development, and to mining, and to the development of the mineral deposits of the State.

31. Conservation and Reclamation, twenty-one members, with jurisdiction over all matters relating to the conservation of the natural resources of the State, to the taking, storing, control and use of flood and surplus waters for irrigation, the improvements of rivers, harbors and flooded districts, the incorporation, management and powers of irrigation companies and the drainage of lands; and to the development

and preservation of forests, and the regulation and promotion of the lumber industry.

32. Game and Fisheries, twenty-one members, with jurisdiction over all matters relating to the propagation and preservation of game and fish within the State, and to the development and regulation of the fish and oyster industries on the coast and inland waters of the State.

33. Labor, twenty-one members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

34. Banks and Banking, twenty-one members, with jurisdiction over all matters relating to banking, State Department of Banking and the State banking system.

35. Liquor Traffic, twenty-one members, with jurisdiction over all matters relating to the regulation of the sale of intoxicating liquors and to local option.

36. Committee on Claims and Accounts, nine members, with exclusive jurisdiction over all claims and accounts which may be filed with the Legislature against the State.

37. Congressional Districts, twenty-one members, with jurisdiction over all matters relating to the reapportionment or redistricting of counties into congressional districts.

38. School Districts, eleven members, with jurisdiction over all bills creating, changing or otherwise affecting school districts of the State.

No addition shall be made to the membership of any committee after it has been formed as herein provided, except upon motion of the chairman of the committee, concurred in by the Speaker and approved by a majority of the House.

RULE IX.

Organization, Powers and Duties of Committees.

1. As soon as practicable after their appointment, it shall be the duty of the chairman or the chairman pro tem. (towit, the first named member after the chairman) of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the Hall as soon as practicable.

2. If, after due notification, the

members of any committee fail to meet at the time and place designated, and it shall be evidenced that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House; and such committeemen shall be subject to reprimand, or removal from such committee, as a majority of the members present shall decide.

3. No committees shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing, they must be signed by the chairman or the chairman pro tem. and addressed to the Speaker and may contain a brief statement of the recommendations of the committee with reference to the measure reported. A complete list of reports, favorable or adverse, made by the committee shall be printed in the Journal.

No minority report shall be considered, except when signed by two members of the committee.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred and shall be reported back to the House within six days from the date of their respective reference. If any committee shall fail or refuse to report the bill, resolution or other paper referred to it within six days, a motion shall be in order to give the committee additional time, which motion must receive a two-thirds vote of the House before it shall be carried. If a bill is not reported, and the time is not granted as herein set forth, the Speaker shall instruct the committee that the House desires an immediate report upon the bill or measure pending, and it shall be the duty of the committee to immediately consider and report the bill back to the House. Provided that no adverse report shall be made on any bill or resolution by any committee without first giving the author of said bill or resolution an opportunity to be heard.

6. The reports of standing and select committees shall be filed with the Chief Clerk and printed in the Journal.

7. It shall be the duty of the chair-

men of the several committees to see that the originals of all bills, resolutions, memorials and such other documents referred to them are returned to the House, with the final report upon the matter to which they pertain.

8. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style; and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation and in whatever else it is within the province of the committee to correct.

9. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

10. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

11. No floor report shall be made by any committee except on road bills and school district bills; provided, however, that if any citizens of those districts desire to be heard before the committee, and the bill is brought out on a floor report, it shall be recommitted by order of the Speaker upon receiving proper notification in writing of their desire to be heard by any citizens of the district affected.

12. The rules governing the proceedings of the House shall apply to the proceedings in the committee in so far as same are applicable.

RULE X.

Questions of Privilege.

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to adjourn. When in order, a member may address himself to a question of privilege from his seat; or at any time he may print it in the Journal, provided it contains no reflection upon any member of the House.

RULE XI.

Decorum and Debate.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully

address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or, in case of the absence of either of them, then any other member designated by such absentee shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed twenty minutes.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches shall be limited to ten minutes in duration except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time; provided, however, that in case the House by a vote extends the time of any member, such time shall not be extended exceeding ten minutes additional without the unanimous consent of the House. Provided, this rule shall not apply to measures carrying an appropriation, in the discussion of which speeches shall be limited to fifteen minutes in duration except as provided in Section 2 of this rule.

7. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of

the House, or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether or not said paper shall be read.

RULE XII.

Of Voting.

1. Any member who has a personal or private interest in any measure or bill proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and if he answer in the affirmative, he shall be permitted to vote.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the Hall and within the walls enclosing the same, and not outside of any of the doors leading out of the Hall, and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail or refuse to vote, after being requested to do so by the Speaker, shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under order of the House, shall have commenced calling the yeas and nays.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered in the Journal.

7. While the yeas and nays are be-

ing called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On demand of any member, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

RULE XIII.

Of Motions.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal, with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing), cause it to be read aloud by the Clerk before being debated; and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate no motion shall be received but—

- (1) To fix the day to which the House shall adjourn.
- (2) To adjourn.
- (3) To take recess.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone to a day certain.
- (7) To commit.
- (8) To amend.
- (9) To postpone indefinitely.

Which said motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, be considered as equivalent to the rejection of the bill.

4. A motion to adjourn, except as hereinafter provided in Rule XIV, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

5. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day

certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay upon the table, if carried, shall have the effect of killing the bill, resolution, amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled, or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost cannot be reconsidered.

8. A bill or proposition postponed to a day certain shall be laid before the House at the time to which it was postponed, unless other business be then pending; in which case its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right of priority.

9. The following motions shall be decided without debate:

- (1) To adjourn.
- (2) To fix the day to which the House shall adjourn.
- (3) To lay on the table.
- (4) That a proposition lie upon the table subject to call.
- (5) For the previous question.
- (6) To suspend the regular order of business and take up some measure out of its regular order.
- (7) To suspend the constitutional rule requiring bills to be read on three several days.

RULE XIV.

Of the Previous Question.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'yea,'" and then, "As many as are opposed say 'nay.'" If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debatable single motion, or series of motions, al-

lowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and cannot be laid upon the table.

3. On motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or any of the pending amendments, or the member making the report from the committee, as the case may be, or, in the case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order, after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

RULE XV.

Of Reconsideration.

1. When a motion has been made and carried, or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

2. If such motion for a reconsider-

ation be not disposed of when made, it shall be spread upon the Journal, and cannot, after that legislative day, be called up and disposed of unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

3. When a motion for reconsideration has once been made it cannot be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments or other incidental matters shall be regarded as determined and lost upon the final vote upon the main question.

RULE XVI.

Of Roll Calls and Calls of the House.

Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

It shall be in order to move a call of the House at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution, or other measure.

When a call of the House is moved for one of the above purposes and seconded by fifteen members (of whom the Speaker may be one), the Doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the House without written permission of the Speaker, until after the subject matter upon which the call was ordered has been disposed of. The Clerk shall call the roll of members and note the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested, wherever they may be found by the Sergeant-at-Arms, or officer appointed by him for that purpose, and their attendance secured and retained, and the House shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the at-

tendance of absent members or to adjourn.

When a quorum is shown to be present, the House may proceed with the matters on which the call was ordered, or may enforce and await the attendance of the absentees.

(b) For a definite period of time or for the consideration of any particular class of bills.

A call of the House for one of these purposes shall be ordered only by a majority vote of those present, and when ordered, the same procedure shall be followed as set forth above for securing and maintaining a quorum.

RULE XVII.

Of Simple and Concurrent Resolutions.

1. When resolutions are called for the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from.....offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there be no objection, the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading, and if the motion be carried, the resolution shall be read again and it will then be before the House for amendment, adoption or rejection, or other action. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk after the opening of the session of the House and when resolutions are called for, all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

RULE XVIII.

Joint Resolutions.

All amendments proposed to the Constitution shall take the form of a joint

resolution, which shall be subject to the rules which govern the proceedings on bills, except that it shall be adopted on any reading after the first when it receives a two-thirds vote of the members-elect of the House. (Constitution, Art. XVII, Sec. 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions thereto short of the final question.

RULE XIX.

Of Bills.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words, "A bill to be entitled An Act to," and containing a brief statement of the object of the proposed measure, and of the bill proper beginning with the enacting clause, "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; and if the bill proposes to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law. (Const., Art. III, Sec. 29.)

An extra copy of the text of the caption of every bill shall accompany the bill when it is filed with the Chief Clerk or introduced from the floor of the House, and no bill shall be laid before the House to be read the first time unless it is accompanied with an extra copy of the caption.

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. (Const., Art. III, Sec. 35.)

3. No law shall be revived or amended by reference to its title, but in such case the act revived or the section or sections amended shall be re-enacted and published at length. (Const., Art. III, Sec. 36.)

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor shall be read first.

time by caption and referred to the proper committee.

5. No bill shall be considered or tabled unless it has been first referred to a committee, and reported therefrom; and no House bill, except appropriation bills, shall be passed, which has been presented, referred to and reported from a committee at least one hundred and twenty hours (five full calendar days) next before the final adjournment of the Regular Session of the Legislature; or if in Special or Called Session, then within ninety-six hours next before the final adjournment of such session.

When a bill has been committed once at any reading and has been reported adversely by the committee to which it was referred, it shall not be in order to again recommit the bill unless a minority report shall have been filed in the time required by the Rules of the House, and then only by a two-thirds vote of those present.

No House bill, except appropriation bills, on its second reading, shall be considered for any purpose during the last seventy-two hours before the final adjournment of the Legislature.

No Senate bill on its second reading shall be considered during the last seventy-two hours of the Regular Session of the Legislature, or during the last seventy-two hours of any Special or Called Session.

The Speaker shall not be authorized to recognize, or shall he recognize anyone, to take a bill up out of its regular order, within forty-eight hours next preceding final adjournment; nor shall he lay any bill before the House for a vote upon any passage during the last twenty-four hours next preceding the final adjournment of the Legislature and during said last twenty-four hours no vote shall be taken upon any bill except to correct an error therein, or to adopt a conference report.

6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third readings until disposed of.

But when any House bills shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from

a committee of the House, containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of; and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday), as the unfinished business.

Local bills shall only be in order after 4:30 p. m. each Wednesday and each Thursday; provided, that it shall not be in order to suspend the constitutional rule requiring bills to be read on three several days in the consideration of any local bill. By local bill is meant any measure affecting only one county, city or representative district, other than the establishment of new courts.

7. All bills when reported favorably by a committee shall immediately be sent to the printer by the Calendar Clerk and a printed copy laid on the desk of each member before the bill is acted on by the House. In the event a notice of a minority report is given the Calendar Clerk is instructed to hold a bill two days if necessary, awaiting the filing of the minority report, but during the last fifteen days of the session, he shall not hold a bill more than twenty-four hours awaiting a minority report. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall be, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

9. No bill shall have the force of law until it has been read on three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in the preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension and entered

upon the Journal. (Const., Art. III, Sec. 32.)

By four-fifths of the House is here meant four-fifths of the members of those voting, a quorum being present; provided, that within the meaning of this rule "an imperative public necessity" shall be held to mean only such condition or state of affairs which, if not immediately remedied, will cause great loss of life or of property; and the Speaker shall not entertain a motion to suspend the constitutional rule requiring bills to be read on three several days until it shall affirmatively appear that such a condition or state of affairs does actually exist.

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals. (Const., Art. III, Sec. 39.)

13. After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. (Const., Art. III, Sec. 34.)

14. No motion shall be in order to suspend the reading in full of a bill on

second reading if demanded by any member.

RULE XX.

Of Amendments.

1. When a bill, resolution, motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order; and its shall also be in order to offer a further amendment by the way of substitute.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute and shall be indivisible.

3. An amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate.

RULE XXI.

Of Committees of the Whole House.

1. No appropriation of money shall be made except by bill; and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolve itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House, the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole

shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the meantime, rise, report progress and ask leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of proceedings in the House shall be observed in Committee of the Whole House so far as they may be applicable.

RULE XXII.

Of the Order of Business.

1. The daily order of business shall be as follows:

First—Prayer by the Chaplain.

Second—Excuses for absence of members and officers.

Third—First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth—Requests to print bills and other papers; requests of committees for further time to consider papers referred to them; and all other routine motions and business not otherwise provided for, all of which shall be made undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth—Resolutions filed with the Chief Clerk and resolutions offered from the floor, for twenty minutes, if not sooner disposed of.

Sixth—The unfinished business, to be considered until finally disposed of.

Seventh—Disposal of business on the Speaker's table as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

2. Special orders, after the first five items under the daily order of business have been passed, shall have precedence when the hour for considering the same has arrived, except as provided in Rule XIX, Section 6, which provides that Senate bills, on Senate bill days, shall have precedence of House bills set as special order on those days.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXIII.

Suspension of the Rules and Order of Business and Special Orders.

1. No standing rule or order of the House shall be suspended except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in consideration of Senate and local bills, except by unanimous consent.

2. All Democratic platform demands shall have precedence in accordance with their number over all other bills on all days except suspension days, Senate bill days, and local bill afternoons; only demands which refer to certain and definite legislation shall be construed as platform demands; and where any plank or demand of the Democratic platform is in general terms, and does not specify the character of legislation demanded, no bill on any such subject shall be deemed a platform demand.

3. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up and considering any bill, resolution or other measure out of its regular order except on Monday of each week, and during the first four days of the last six days of the session; provided, however, that in said last four suspension days it shall re-

quire a two-thirds vote to suspend the regular order and take up any measure. When a request is made to suspend the order of business for taking up any certain bill, the Speaker shall ask if there is any objection. If there is no objection, the bill shall be immediately placed before the House for consideration. If there is objection, the Speaker shall, without debate, after the caption of the bill has been read, put the motion to the House, and, if carried by a majority vote, the regular order of business shall be considered suspended for the purpose of taking up and considering said bill, resolution or other measure; provided, that no member shall be entitled to have more than one bill, resolution or other measure taken up out of its regular order until every other member has had an opportunity to call some bill or measure. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

4. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, where once established as a special order, shall be considered from day to day until disposed of; and until it shall have been disposed of, no further special order shall be made.

RULE XXIV.

Of Communications from the Executive and Senate, Conference Reports, Etc.

1. Messages and communications from the Governor shall be received when announced, and shall be read on the date received.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall be read the first time and referred to the proper committee on the day received.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference commit-

tees and all matters of disagreement, amendments and requests, between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

RULE XXV.

Of Petitions and Memorials.

All petitions and memorials shall be filed with the Chief Clerk and referred to committees in accordance with the endorsement of the member offering the same.

RULE XXVI.

Of Absentees.

1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House, such member may be expelled; provided, that before action is taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the Journal.

RULE XXVII.

Of Witnesses.

The rule for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of \$2.00 and for coming to or going from the place of examination he shall receive actual and necessary expenses, and \$2.00 for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

RULE XXVIII.

Of Admission to the House.

1. Persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is

in session, viz: The members and employes of the House; Senators and employes of the Senate; the Governor and his private secretary; the Lieutenant Governor; the President and Vice President of the United States; United States Senators and members of Congress; Governors of other States; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the heads of all State departments, and contestants in election cases, pending their contests in the House.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker.

3. Provided, that no newspaper reporter, or any person whomsoever, whether a State officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislative measure, shall, in any event, be permitted upon the floor of the House, or the rooms leading thereto, when the House is in session; nor shall any newspaper reporter or correspondent, whose salary or compensation is paid in whole or in part by any person, firm, corporation or association other than the paper or papers for which he reports, or represents, be admitted into the Hall or rooms leading thereto when the House is in session. And any person who has appeared before any committee for or against any measure pending or that has been before this House shall come within this rule.

4. Every newspaper reporter and correspondent, before being admitted to the House during its session, shall file with the Speaker a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers which he represents.

5. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule, or to present from the chair the request of any member for unanimous consent.

6. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Hall of all persons not entitled to the privilege thereof five minutes before the hour of the meeting.

7. Provided, that this rule shall not be construed to prevent any citizen from appearing before any of the committees

of the House when in session. And provided further, that this rule shall not apply during the inauguration of the Governor, and other public ceremonies provided for by resolution of the House. And it is further provided that no motion shall be in order to invite any person to address this House while it is in session, except those entitled to the privilege of the floor as defined by Section 1 of this rule.

8. Solicitors and collectors shall not be admitted to the House during its sessions.

RULE XXIX.

Amendments to the Rules.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred, without debate, to the Committee on Rules, and reported therefrom within three days.

RULE XXX.

When Rules Are Silent.

On any question of order or parliamentary practice where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.

SEVENTH DAY.

(Tuesday, January 16, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Carpenter
Arnold.	of Dallas.
Atkinson.	Carpenter
Avis.	of Matagorda.
Baker of Milam.	Carter of Coke.
Baker of Orange.	Carter of Hays.
Baldwin.	Chitwood.
Barker.	Coffee.
Barrett.	Collins.
Beasley.	Covey.
Bell.	Cowen.
Bird.	Crawford.
Blount.	Culp.
Bobbitt.	Davenport.
Bryant.	Davis.
Cable.	DeBerry.
Carson.	Dielmann.